

# Why Rethink Rotation of Reservation in Panchayats?

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Extending the tenure of women in panchayats to 10-15 years as argued by Nupur Tiwari (EPW, 31 January 2009) will not automatically empower them. The existing pattern of reservation should be supplemented with various capacity-building measures. Action-oriented training programmes and adequate representation for women in the local administration will go a long way in ensuring their development and participation in the decision-making process.

The statement of the objects and reasons of the 73rd Amendment Bill, 1992 inter alia says that panchayats have not been able to acquire status and dignity due to a number of reasons including insufficient representation of weaker sections like the scheduled castes (scs) and scheduled tribes (sts), and women on these bodies. The issue of reservation for women in panchayats has to be analysed in the above context more closely, from its evolution to culmination with the 73rd Amendment, and the findings of the study sponsored by the Ministry of Panchayati Raj has also to be examined further, in order to arrive at a conclusion for extending the terms of women to 10 or 15 years as argued in Nupur Tiwari's article entitled "Rethinking the Rotation Term of Reservation in Panchayats" (EPW, 31 January 2009).

During the colonial period women were neither voters nor candidates for the panchayat elections, as evident from provisions of the Central Province Village Panchayat Act, 1920, Bombay Village Panchayat Act, 1920 and Holkar State Panchayat Act of 1928. The Franchise Committee set up by the then British government threw the ball in the court of provincial legislatures to decide the issue of women's franchise keeping in view the local culture and sensitivity (Buch 2000: 34). Although the all governors' provinces led by Madras availed of the power to pass a resolution for extending franchise to women, rules made under the Government of India Act, 1919 did not make women eligible for membership of the council (ibid: 35).

Article 40 of the Constitution also left the issue of reservation for women to state legislatures. During late 1950s the Central Council of Local Government, 1957 argued for co-opting two women who are interested in work among women and children as members of panchayats. The report of

the Balvantray Mehta study team also endorsed this. In 1978 the Ashoka Mehta Committee reviewed the panchayati raj system and recommended that if no women were elected on their own, two women who get the highest number of votes in zilla parishad (zP) elections should become members and if no women came forward they might be enabled through co-option.

## Political Involvement

The Committee on the Status of Women in India (CSWI), 1971, in view of the ineffectiveness of token representation of women in panchayats, recommended constituting separate women's statutory panchayats at the village level. But the idea could not be fructified as none of the states were in favour. The interesting turning point on the debate took place when the government of Andhra Pradesh in 1979 recommended 5% reservation for women for the post of sarpanches in each block for women where the percentage of women electors is comparatively higher.

The major breakthrough took place in 1988 after the emergence of the National Perspective Plan for Women (NPPW) which recommended:

Reservation should be made of 30% seats at Panchayat to Zilla Parishad level and local municipal bodies for women. Wherever possible, higher representation of dalits, tribals, women of weaker sections should be ensured. 30% of executive heads of all bodies from village Panchayat to district level and a certain percentage of chief executives of Panchayati Raj bodies at lower, middle and higher levels must be reserved for women. A more effective step would be to declare a certain percentage of constituencies in the lower tier of Panchayati Raj as exclusively women constituencies and all executive positions in certain number of territorial jurisdictions reserved for women candidates. (National Perspective Plan 1988: 164-65).

This was probably the basis for giving positive discrimination for women in panchayats by legislating the 73rd Amendment Act. Before this enactment, some positive changes took place for women participation in panchayats as exemplified by the Karnataka Panchayat Act 1983 reserving 25% seats for women in both at zP and mandal panchayat levels.

Views in the paper are purely those of the author.

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Similarly, Orissa, Maharashtra and Kerala also introduced 30% reservation for women in the membership of the panchayats.

It may be deduced from above that reservation for women had been confined to membership and rotation was not an issue at all.

### Rotation Component

With this evolutionary trajectory of women reservation in panchayats let us come to the rotation aspect of reservation for women. The provision for reservation for women and its rotation is mandatory, but how it will be rotated or its periodicity is left to the state legislatures. That is the reason that in some states the seats are rotated biyearly. In this context, it becomes relevant to refer to the resolutions of the Seven Round Tables of Ministers In-Charge of Panchayati Raj which charted out the course of action by both the centre and states to deepen cooperative federalism in the country and in the context of rotation the compendium of resolutions says:

There are different practices being adopted in the different States and there are different practices under contemplation in several States. This being so, the option to reserve seats for more than one-term is open but it is for the State Legislature to decide the number of terms for which seats will remain reserved (GOI 2004: 12).

However, it may be stated that reducing the term to less than five years for one constituency is not in the letter and spirit of the Constitution and if some states have not been adhering to this provision, there are two ways to check it. First, to bring out an amendment to the Constitution and second, to build pressure from women panchayat leaders on the state legislatures for making provision for a five year tenure. The former appears to be impossible given the composition of the Parliament and the latter appears to be feasible provided women are educated, agitated and organised. Now, coming to the findings of the study which has been carried out by A C Nielsen ORG-MARG on behalf of the Ministry of Panchayati Raj and cited in the *Study on Elected Women Representatives in Panchayati Raj Institutions* (GOI 2008). In fact, it confuses the issue and if its recommendations are accepted then reservation for women in

panchayats will be questioned as some of its findings reveal:

...number of years of exposure as an elected representative reflects a positive relationship with performance. This is evident among all the categories, except female ward Member. For them, time served as a member has apparently no significant effect on their performance... Caste categories did not seem to have a significantly positive relationship with performance...among the Scheduled Tribes, it is negatively correlated. This implies that on the performance curve they were nearer the bottom, with most representatives from this category appearing not to perform well (ibid: 152).

The study further examines the reservation issue by using regression coefficients between performance index and independent variables and concludes:

As regards the impact of the type of seat contested by an individual representative on their performance, the corresponding regression coefficient is significant, but bears the negative sign. This implies that those who contested and won from female reserved constituencies were not performing much better than those elected from general constituencies... the net impact of reservation on performance turned out to be negative (ibid: 154).

And finally the study says:

...policy level, the rotation of seats may be discontinued for the women-headed Panchayats and wards (ibid: 161).

In view of the A C Nielsen ORG-MARG study, it appears more suitable to have rotation of seats for one term, i.e., five years because the study reveals that 15% of the women got re-elected in the subsequent term without any reservation and this is a commendable achievement by any standard within a spell of a decade of effective functioning of the local government system. The solution to the problem lies in undertaking a meaningful capacity-building campaign for them in action mode by dedicated institutions and persons, making panchayats local government in a defacto sense by devolving desired powers to them and creating space for women in local bureaucracy as recommended by the NPPW in these words:

50% of all grassroots functionaries must be women. To facilitate its implementation, relaxation of minimum educational qualification is needed which can be supplemented by short training courses for women... Conscious efforts are needed to elicit participation of women through establishing links

between the elected representatives and the development functionaries... Standing Advisory Committee at Central, State, District, Block and wherever possible at village level should be formed consisting of representatives of important women's organisation (ibid: 164-65).

This recommendation is required to be put into practice for women empowerment. And as the experience of working women shows, if this recommendation of the NPPW is implemented, it may not even be necessary to have reservation for women in panchayats.

To conclude, more women have come as leaders in panchayats than mandated in the Constitution and they have been instrumental in creating ripples in the existing system of governance which was dominated by their counterparts. Leaders at the local level consider women forces a potential threat, and are concerned about losing control over local governance and administration. Instead of granting 10 or 15 year terms for women, the existing pattern of reservation for them should be continued. The efforts of women could be supplemented by organising them into their associations and confederations, building their capacity by taking up action-oriented training programmes and giving adequate representation to women in local administration.

### REFERENCES

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